



# **London Borough of Brent Travel Assistance Policy for Children and Young People Aged 0-25 in Education**

Review date: July 2024



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## 1. INTRODUCTION

- 1.1 This Travel Assistance Policy sets out the travel to school/college assistance available through Brent Council (the Council) in line with the June 2023 statutory guidance<sup>1</sup> from the Department for Education in respect of children of compulsory school age and January 2019 statutory guidance<sup>2</sup> for young people in post-16 education.
- 1.2 This policy considers transport arrangements for eligible children with Special Educational Needs (SEN) and disabilities and has been written with reference to the Education Act 1996 ('the Act'), the SEN and Disabilities 0-25 Code of Practice (2001) ('the Code'), the Children and Families Act 2014, the Children Act 2004, the Disability Discrimination Act 2005, and the Equality Act 2010.
- 1.3 This policy also reflects the ambitions of the Brent SEND (Special Educational Needs and Disabilities) Strategy 2021-2025; the ambitions in the Department for Education (DfE) SEND and Alternative Provision Improvement Plan: Right Support, Right Place, Right Time; and 2015 Code of Practice. It proposes that wherever possible children with special educational needs and disabilities or those who require alternative provision will attend local mainstream provision. This means fewer children will need to travel long distances to a school that is able to meet their needs.
- 1.4 At the heart of this policy are two key principles which underpin a culture of providing travel assistance: promoting independence including supporting young people to travel independently and maintaining quality of life. By working in partnership with parents/carers/guardians, children and young people, schools and the voluntary sector, Brent Council hopes to secure the right option for each child/young person, so they are better prepared to enter adulthood confidently as active participants in society.

## 2. CONTEXT

- 2.1 The legal basis for this policy and the provision of home to school transport is set out in sections 508A, 508B and Schedule 35B, 508C, 508D and 509AD of the Education Act 1996 (as amended by Part 6 of the Education and Inspections Act 2006) and, where appropriate, the Equality Act and English and European case law.
- 2.2 Parents/carers/guardians are responsible for ensuring that their children attend school regularly. However, under the Education Act 1996 and the Education and Inspections Act 2006, local authorities have a duty to provide assistance with travel to and from qualifying schools/college for children and young people aged 5-16 in certain circumstances.

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- 2.3 In addition, the Council also has a duty to facilitate access to full-time education for young people aged 16-19 and this may include assistance with travel in certain circumstances. Other post-16 learners with special educational needs and/or disabilities aged 19-25 attending colleges and other places of learning may be eligible for assistance.
- 2.4 The Council is only required to provide free school travel to children who are residents within the administrative area of Brent who are eligible under the law and this policy. If children or young people move to an address outside the administrative area of Brent, the responsibility for determining and, where appropriate, providing free or assisted travel transfers to the child's new home authority. Those who are not resident in Brent are advised to contact their own home local authority for details of any policy that their local authority may have regarding home to school/college transport.
- 2.5 Parent/s, legal guardian/s or carer/s have a legal duty to make necessary arrangements to ensure that their statutory aged children attend school regularly. For most parents/carers/guardians, this includes making arrangements for their child to travel to and from school.
- 2.6 The Council must make arrangements, free-of-charge, for eligible children to travel to school. Additionally, the Council has a discretionary power to arrange travel to school for other children. The Council is responsible for deciding what travel arrangements to make, provided they are suitable for the needs of the children for which they are made.
- 2.7 Where assistance is given, it should be seen as part of a plan of support that encourages and supports residents to become more independent and live a healthy lifestyle.
- 2.8 The Council is committed to the principle of inclusion and to promoting greater independence where possible for children and young people with special educational needs and disabilities so that their experiences can be similar to those of their peers.
- 2.9 The Council recognises that travelling to school as independently as possible is a valuable experience for young people as they grow up. In order to do this, many young people with special needs may need extra training to help them learn skills required for greater independence and to prepare for adulthood.
- 2.10 Normally eligibility for free travel will be determined at the time that a school place is allocated through:
- Brent Council's Coordinated Admissions Scheme for entry at the normal points of admission.
  - The issuing of an Education, Health and Care Plan or Review.
  - The operation of the Fair Access Protocol.
  - The In-Year Coordinated Admissions Scheme.
- 2.11 The London Boroughs of Brent and Harrow have joined together in forming this policy in order to produce a consistent approach to providing travel assistance for children and young



people attending school/college. The aim of this collaborative approach is to ensure that regardless of where a child lives, within these local authorities, the level of service received is consistent, the service experience is the same and the most efficient, effective, and suitable travel assistance is provided.

### 3. KEY PRINCIPLES

3.1 The Council believes that independent and active travel provides the best outcomes for residents' physical health, mental health, and wellbeing wherever it is possible. As such this travel policy is based on the principle that the Council will try and assist residents in achieving this wherever possible in the first instance. This may take the form of Independent Travel Training or Personal Travel Allowances. Where independent travel is not achievable the Council will first aim to provide travel assistance through group travel, which provides opportunities for service users to socialise and learn important life skills. Only where group independent travel and group travel are not possible will individual travel be considered.

3.2 The following key principles apply across all age ranges covered in this policy:

- **Admission does not confer automatic entitlement to travel assistance:** Admissions and travel assistance are separate matters and acceptance at a particular school or other institution, or the naming of a school/institution in an Education, Health and Care Plan (EHC Plan), does not automatically entitle the child or young person to travel assistance.
- **Budgetary considerations:** Free travel to school is a valuable service for many families, but budget pressures mean the Council often has to make difficult decisions about how to make the best use of the limited resources available. The Council must comply with the duty to arrange free travel for eligible children but have some discretion in how this is applied.
- **Changes in circumstances:** Parents, carers or guardians (in the case of those aged under 18) of children in receipt of travel assistance and recipients of travel assistance themselves (in the case of those aged over 18, or any person acting on their behalf) must tell the Council immediately of any change in circumstances which may affect their entitlement to travel assistance.
- **Independent travel training:** Applicants for travel assistance will be assessed for Independent Travel Training (ITT) and recipients of travel assistance will be encouraged to undertake suitable ITT as part of their education to help them develop their independence. Independent travel training is tailored and practical help for people with special educational needs and/or disabilities to travel by public transport, on foot or by bike. It aims to help children and young people travel independently and without fear so they can get to school or college, work, and for social and leisure activities. Independent travel training could increase a child or young person's independence and improve their self-esteem and confidence. Being less reliant on parents, carers, and guardians to take them to places can lead to more opportunities to take part in social and community activities.
- **Other means of travel:** When taking discretionary decisions about the provision of travel assistance, the Council will consider all other ways and means for the applicant to get to the school or institution in question, for example, the provision of a travel guide to accompany a child, young person, or adult to their place of education.



- **Personal Travel Allowances:** Applicants for travel assistance will be assessed and offered a Personal Travel Allowance (PTA) in the first instance. A Personal Travel Allowance is a payment designed to help parents/carers/guardians get their children to school/college. It is available to children who have been assessed as eligible to receive Home to School travel assistance. The Council encourages the use of Personal Travel Allowances wherever appropriate as this helps individuals and families to have the most control over their travel arrangements.
- **Reviews of travel assistance:** All grants of travel assistance will be reviewed at least once per year and in all cases where there is, or may be, a significant change in circumstances affecting eligibility for travel assistance (e.g., change in school/college or home address, change in personal or family circumstances, change in recipient's needs). Where the recipient of travel assistance has an EHC Plan then this review will be undertaken at, or following, the annual review of the plan. Any changes to travel assistance following a review will be implemented from the beginning of the next academic term, or sooner by mutual agreement.
- **Travel concessions, bursaries, state benefits etc.:** The Council expects young people of sixth form age and young adults who apply for travel assistance to have applied for and/or made use of all travel concessions, bursaries, state benefits (including mobility cars) etc., for which they are eligible.
- No free transport is provided to address poor attendance or non-attendance unless this is attributable to permanent or temporary medical/disability/mobility issues that mean a child cannot walk to the nearest available school. This applies both to children who do not have an EHC Plan and those who have such a plan. Where a child has moved into Brent there may be a delay in establishing the travel arrangements, within this context parents/carers/guardians are responsible for ensuring their children attend school.

3.3 The London Borough of Brent Travel Assistance Policy for Children and Young People Aged 0-25 in Education sets out to support eligible children and young people with special educational needs and disabilities (SEND) to attend educational settings, reduce the proportion of children and young people who are not in education, employment or training (NEET) and promote independence in order to better prepare young people to enter adulthood feeling confident and engaged in their futures.

3.4 The transport arrangements provided by the Council support families to ensure their children can attend school/college. This provision helps to ensure that families are best supported to achieve punctual school attendance, including:

- Families with multiple children, each with individual school arrangements.
- Families where parents/carers/guardians have commitments to work, education or training.
- Families where parents/carers/guardians are disabled or have complex needs.
- Families from low-income households.
- Families where parents/carers/guardians are young people themselves.



#### 4. TYPES OF TRAVEL ASSISTANCE

4.1 The Education Act 1996 and this policy use the phrase 'travel assistance' because the form this takes will vary and often does not involve the Council providing any transport at all. The Council will determine what is appropriate in each case, taking account of its legal obligations, the needs of the applicant, safety considerations, the best use of the Council's resources, any expressed preference, and any other relevant matter. In order to achieve as much independence and as much active travel as possible when reviewing travel assistance applications, the Council look at the potential options in the following order:

- **Travel pass** – This is a free pass in the form of an Oyster Card that is available for use on public transport such as buses and is the most common form of travel assistance provided. The Council considers that this will be suitable for the majority of children and young people up to the age of 16.
- **Personal Travel Allowance (PTA)** – This is a sum of money provided to parents/carers/guardians of children who are assessed as eligible for travel assistance. This allows parents/carers/guardians to arrange personalised, flexible travel arrangements that suit the needs of their child and family.

The sum provided is based on the shortest driving route between home and school and the number of days per week the child or young person is scheduled to attend school/college.

Mileage allowance banding	Distance from school	Annual PTA offer
Band 1	0 – 2.49 miles	£2100
Band 2	2.5 – 4.99 miles	£2625
Band 3	Between 5-9.99 miles	£3150
Band 4	Over 10 miles	£5250

Parents/carers/guardians can use a PTA in any way they deem necessary to ensure their child/young person attends school regularly and arrives and leaves on time. They will not need to provide any evidence for how the money is spent. PTAs will not affect any of the other benefits the family already receives.

If attendance falls, the Council will contact the parent/carer/guardian and review whether the PTA is still the best mode of travel assistance. As a result of the review, the travel assistance offered may change to a more suitable mode or PTAs reduced or withdrawn, depending on consultation with the school and family.

The parent/carer/guardian or adult individual then assumes full responsibility for the travel arrangements and getting the child or themselves to their place of education on time and achieving good attendance. It is anticipated that the use of personal travel allowances can meet most individual needs and the Council encourages their use wherever appropriate. The provision of travel allowances can be offered in a number of ways.



- **Transport vehicles** – If the Council has considered and ruled out all other options, a suitable vehicle may be provided, specifically adapted as necessary, to transport the child or young person. Vehicles and drivers are provided by a suitably qualified, registered, commercial provider working to contractual standards set by the Council.

In general, vehicles are routed to pick up a number of children from different locations who attend a particular school. Therefore, journeys can be relatively long, and the child or young person will spend more time in the vehicle than with other forms of travel assistance.

Each route will be planned on the basis of the start and finish times of the place of education and the shortest possible route for all passengers on a particular vehicle. Passengers will usually be picked up from and dropped off at their home.

If a child is accessing a collection point, parents/carers/guardians will be responsible for ensuring that the child gets safely to and from the collection point at the appropriate time. If the child's travel assistance offer requires them to walk to a collection point, then it is expected that an adult will accompany them where necessary.

Parents/carers/guardians will also be responsible for the child when they are waiting for transport and when they leave the transport at the end of the day.

In the event of an emergency, late running of the service, or an adult not being present at a collection point, children will be taken to an agreed safe point for collection.

- **Other** – The Council may provide any other form of travel assistance which is considered suitable and will consider any suggestions from applicants about any particular type of travel assistance.

4.2 The delivery of travel assistance in Brent is supported by Transport for London (TfL). TfL has many accessibility schemes, including but not limited to:

- Travel Mentoring service, where travel mentors offer practice journeys and guidance for planning and making journeys.
- Travel Support Cards, which help people to communicate any assistance or information requirements they have to staff.
- Mobility Aid Recognition Scheme, which helps passengers to check if their mobility aid is suitable to travel on buses.
- Freedom Passes and concessionary travel.
- Staff training on providing assistance to passengers, including guiding visually impaired customers by the arm and helping wheelchair users get on and off trains.
- Provision of accessible resources including maps and guides.
- Taxicard, which is a subsidised scheme for people using taxis and minicabs.
- Community Transport and Dial-a-Ride, which can provide door-to-door transport for people who cannot use mainstream public transport.
- National Passenger Assist service, which allows passengers to request an assistance booking in advance.





## 5. ELIGIBILITY CRITERIA FOR TRAVEL ASSISTANCE

This policy is divided up by the following age groups as the relevant legal provisions in the Education Act 1996 are grouped this way:

- ❖ **Part 1: Pre-compulsory school age (0–4-year-olds)** – someone in this category is referred to in this policy as a pre-schooler.
- ❖ **Part 2: Compulsory school age (5–16-year-olds)** – someone in this category is referred to in this policy as a child. Children become of compulsory school age at one of three points during the school year in which they turn 5, depending on when exactly their birthday is. Children cease to be of compulsory school age on the last Friday in June of the school year in which they turn 16.
- ❖ **Part 3: Young people of sixth form age (16–18-year-olds)** – someone in this category is referred to in this policy as a young person. The legal definition is a person over compulsory school age but under the age of 19, but this definition also includes a person who began a particular course of education or training at a school or college before turning 19 and continues to attend that course.
- ❖ **Part 4: Adult learners (19+)** – someone in this category is referred to in this policy as an adult.

### 5.1 Part 1: Pre-compulsory school age (0–4-year-olds)

- a. The Council's policy is not to provide travel assistance to pre-schoolers except where the pre-schooler has an EHC Plan, and the circumstances are considered to be exceptional. Even where the Council does provide travel assistance to a pre-schooler it will make a charge for this, which will be calculated in the same way as the charge for the provision of travel to young people as set out in Part 3.
- b. The Council will consider whatever is said in any application but will have regard to the following:
  - Distance and journey time from the pre-schooler's home to their place of education and the cost of providing travel assistance.
  - What alternative means of facilitating attendance there may be.
  - What alternative placements or options there may be.
  - The contents of any EHC Plan (including anything about transport).
  - The best use of the Council's resources and the competing claims upon them.

### 5.2 Part 2: Compulsory school age (5–16-year-olds)

- a. The Education Act 1996 sets out the categories of children and young people of compulsory school age who are eligible for free travel assistance. The Council's policy is to provide travel assistance to these categories of eligible children in accordance with its legal obligations, but not otherwise unless there are exceptional circumstances.
- b. Where travel assistance is provided it will be whatever the Council considers is necessary and suitable for the purpose of facilitating the child's or young person's attendance at school for the normal school day. A list of the most usual types of travel assistance is set out in Part 4 above.



c. There are four categories of eligible children to whom the Council is obliged to provide travel assistance free of charge as set out below. Where they refer to a “qualifying school” this means a school (or nursery) maintained by the Council (“state schools”), an Academy, a pupil referral unit, a non-maintained special school, or a place where a child is receiving education arranged by the Council otherwise than at school. A “home address” is considered to be a residential property that is the child’s only or main residence and is either:

- Owned by the child’s parent(s), or the person with parental responsibility for the child.
- Leased to or rented by the child’s parent(s), or the person with parental responsibility under lease or written rental agreement of not less than twelve months duration.
- Where parents/carers/guardians have shared responsibility for a child, and the child lives with both parents/carers/guardians for part of the week then the main residence will be determined as the address where the child lives the majority of the week. Parents/carers/guardians may be requested to supply documentary evidence to satisfy the authority that the child lives at the address put forward by the parents/carers/guardians.

d. The 4 categories of eligibility for children are as follows:

### **1. Category 1: Distance**

Travel assistance will be provided for children who attend their nearest qualifying school and the distance between their home address and school is over the statutory walking distance. The statutory walking distances are:

- 2 miles for children under 8 years of age.
- 3 miles for children or young people aged 8 or over.

The Council will monitor and notify parents/carers/guardians once their child reaches the above statutory walking distance. The statutory walking distance is measured along a route that a child might reasonably be expected to walk to school accompanied where necessary by a parent, carer, or guardian. The responsibility for the journey rests with the parents, carers, or guardians. This is consistent in the way in which distance is measured by the School Admissions Team.

Where a parent, carer or guardian chooses a school for the child but there is a qualifying school nearer to home which they could attend then travel assistance is not available under this heading. In the case of children with an EHC Plan there may be cases where a school that is not the nearest qualifying school is named on the basis that the parents/carers/guardians will be responsible for transporting them. Where this happens the EHC Plan will be worded accordingly and make the position clear.

### **2. Category 2: Low-Income Families**



A “low-income family” means one where the child or young person is entitled to free school meals or where one or both parents/carers/guardians are in receipt of the maximum level of working tax credit. Children or young people in such families who do not qualify for travel assistance in category 1 (distance) above are nonetheless entitled to travel assistance if they satisfy the following criteria:

- Primary Aged Children: Children aged between 5 and 11 years of age from low-income families are entitled to free travel assistance where they are attending their nearest qualifying school and that school is more than 2 miles from their home.
- Secondary Aged Children and Young People: Children and young people aged 11-16 (in year groups 7 to 11) from low-income families are entitled to free travel assistance if they are attending a school more than 2 miles but not more than 6 miles from the home address and it is one of the three nearest suitable qualifying schools from their home. This distance is extended from 6 to 15 miles if the parents, carers, or guardians have selected the nearest qualifying school based on their religion or belief and, having regard to the religion or belief in question, there is no suitable qualifying school nearer to home.

### **3. Category 3: Unsafe walking route**

Travel assistance will be provided for all children and young people who cannot reasonably be expected to walk to the nearest suitable school because the nature of the route is deemed unsafe to walk.

The safety of a particular route will normally be assessed by an officer from the SEN Travel Team in conjunction with an officer from the Brent Transport Hub, however this applies to all children and young people.

When assessing whether a route can be walked in reasonable safety, the Council will consider the whole route. This will include, for example, any sections that use footpaths as well as sections that use roads. The Council will also consider a range of risks such as canals, rivers, ditches, speed of traffic and fields of vision for the pedestrian and motorist.

### **4. Category 4: Special Educational Needs or Disability**

Children and young people who do not qualify for travel assistance under category 1 (distance), category 2 (low income) or category 3 (unsafe route) above are nonetheless entitled to travel assistance if they are attending the nearest qualifying school to their home which is suitable for their needs but have special educational needs, a disability or mobility problem and for this reason cannot reasonably be expected to walk to that school, even if accompanied.

As noted above in relation to category 1, in the case of children with an EHC Plan there may be cases where a school that is not the nearest qualifying school is named on the basis that the parents/carers/guardians will be responsible for transporting them. Where this happens the EHC Plan will be worded accordingly and make the position clear.

A child will not normally be eligible for free travel to school on the grounds of their special educational needs, disability, or mobility problem, or on the grounds that the route is



unsafe, if they would be able to walk to school if they were accompanied. Where the Council determines that a child would be able to walk if they were accompanied, the general expectation is that the parent/carer/guardian will accompany them or make other suitable arrangements for their journey to and from school. A child will not normally be eligible solely because their parents'/carers'/guardians' work commitments or caring responsibilities mean they are unable to accompany their child themselves, but local authorities must act reasonably in the performance of their functions.

Where a child has an EHC Plan, the Council is required to ensure that the annual review of the EHC Plan from at least year 9 onwards includes a focus on preparing for adulthood, including independent living. For many children, learning to travel independently is an important part of preparing for adulthood and will help them lead fulfilling adult lives. When making travel arrangements for eligible children with special educational needs or disabilities, local authorities may take account of how best to support them to develop independence. For example, they might consider whether a child who would otherwise travel in a taxi, might be able to travel on a public service bus if provided with support to do so, or whether a child who uses a wheelchair might be able to wheel to school rather than travel in a minibus, if provided with support to do so.

Once an eligible child can travel independently, their travel arrangements may need to be reviewed. For example, they may now be able to walk or catch a bus to school rather than travel in a taxi. Local authorities will not withdraw free home to school travel from an eligible child who does not successfully complete the independent travel training programme.

Section 508B (4) (b) of the Education Act 1996 requires local authorities to obtain parental consent in order to meet their school travel duty in respect of an eligible child by providing someone to escort the child or paying their travelling expenses. This means, for example, that the parent's consent is required for a local authority to meet their school travel duty by providing independent travel training, or providing someone to accompany a child so they can wheel to school in their wheelchair. Where the parent/carer/guardian does not provide consent, the local authority must make alternative arrangements for the child's travel to school.

The transport needs of young people with special educational needs and disabilities will be reassessed when a child moves from compulsory schooling to post-16 education.

### **5.3 Part 3: Young People of sixth form age (16–18-year-olds)**

This part of the policy includes the Council's Transport Policy Statement which the Education Act 1996 requires it to publish each year, setting out what travel assistance is available, from the Council and other bodies, to facilitate the attendance of young people of sixth form age receiving education or training at schools, FE colleges/institutions, 16-19 Academies, and certain other institutions maintained or funded by the Council.

The transport needs of young people with special educational needs and disabilities will be reassessed when a young person moves from compulsory education to post-16 education. There is no automatic continuation of any free home to school transport arrangements for young people aged 16 and above.



If a young person did not have travel assistance prior to leaving school, and they are continuing in full-time education elsewhere, they can apply for travel assistance at this point.

The majority of young people are expected to transition towards being able to travel independently and it is presumed that the previous education or training establishment will have started to prepare young people with independent travel skills, and that parents, carers and guardians of young people will continue to practice independent travel throughout the summer holiday prior to starting any new study programme.

The Council expects the majority of young people to make their own travel arrangements for travel to and from their place of learning independently. However, the Council does acknowledge that independent travel for students with severe and complex learning disabilities may not be a possibility. In such cases, there may be a need for additional support with transportation.

Before the Council will consider any application for travel assistance, a young person must provide evidence that they have explored and exhausted all available sources of support as set out in the Post 16 Travel Policy Statement. This might include financial assistance from the school/college's 16-19 Bursary Fund.

#### **Exceptional Grounds**

The list below is not exhaustive, and there will be other circumstances in which the Council may agree to provide free home to school travel assistance. Please note, however, that individual family work commitments, childcare arrangements and/or inconvenience to parents/carers/guardians is not normally taken into account when considering eligibility for travel assistance.

Where the Council agrees to provide free home to school travel assistance this is not to be taken as a precedent for any other child or young person, including a sibling of that child or young person. Each application from the child or young person will be considered on a case-by-case basis.

In considering whether to provide travel assistance the Council will have regard to the following:

- The needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made.
- The needs of those who are vulnerable to becoming not in education, employment, or training (NEET) at the age of 16 or 17, or who have already become NEET.
- The needs of young people who are parents/carers/guardians.
- The need to ensure that people in the Brent area have reasonable opportunities to choose between different establishments at which education or training is provided.
- The Council's legal duties, including the duty to ensure that enough suitable education and training is provided to meet the reasonable needs of 16–18-year-olds.
- Distance and journey time from the student's home to establishments of education and training, the cost of transport there and alternative means of facilitating attendance at education establishments.



- The nature of the route or alternative routes which the young person could reasonably be expected to take.
- Any preference to attend a particular educational establishment based on religion or belief.
- The nature of the young person's special educational needs or disability.
- Anything said in an EHC Plan about travel assistance.
- Whether there is a nearer institution which is suitable and can provide the same or similar qualification(s).
- The best use of the Council's resources.
- If parents/carers/guardians choose for a child or young person to attend a college or further education institution outside of Brent when an establishment in the borough offers the same or a comparable course, the Council may refuse the application on these grounds.

As set out in the key principles above, the Council will also expect applicants first to have applied for and made use of all other sources of assistance. Financial assistance may be available from (or by applying through) the school or further education institution in question and Appendix 2 sets out full details of these schemes. In addition, there are various concessionary travel schemes in Brent which may be available, and these are set out in Appendix 3.

If the Council agrees to provide travel assistance, consideration will be given to a full range of travel options which reflect the core principle of promoting independence. These options could include independent travel training support, personal travel budgets and the provision of a travel pass/Oyster card.

The Council reserves the right to apply charges to or request a contribution from parents/carers/guardians for travel assistance for young people over the age of 16.

Appendix 2 is a list of sources of travel support available to young people through schools and further education institutions. Enquiries and applications in respect of these should be made through the young person's school or institution.

Appendix 3 is a list of travel concessions which may be available to young people.

#### **5.4 Part 4: Adult Learners (19+)**

This part sets out the Council's transport policy statement as required by section 508G of the Education Act 1996 in respect of academic year 2023/24 for adults, which is to say people who are not of compulsory school age or sixth form age. Section 508G of the Education Act 1996 requires the Council to specify in this document:

- a. Any transport or other arrangements, and any payment of travelling expenses, made or to be made in relation to the academic year under section 508F in relation to adults (Post-19) with an EHC Plan.
- b. Any travel concessions which are to be provided to adults (Post-19) with an EHC Plan receiving education or training at certain institutions.

This policy statement also sets out the Council's arrangements under section 508F in relation to adults without an EHC Plan.



The Council does not make any general arrangements for free transport or the payment of any travelling expenses under section 508F of the Education Act 1996 as it considers that these are unnecessary for the vast majority of adults. It will consider making arrangements for individuals if they have an EHC Plan or their circumstances are exceptional.

The Council reserves the right to apply charges to or request contribution from parents/carers/guardians for travel assistance for young people over the age of 16.

### **Exceptional Grounds**

The list below is not exhaustive, and there will be other circumstances in which the Council may agree to provide free home to school travel assistance. Please note, however, that individual family work commitments, childcare arrangements and/or inconvenience to parents/carers/guardians is not normally taken into account when considering eligibility for travel assistance.

Where the Council agrees to provide free home to school travel assistance, this is not to be taken as a precedent for any other child or young person, including a sibling of that child or young person. Each application from the child or young person will be considered on a case-by-case basis.

The Council will consider whatever is said in any application but will have particular regard to the following:

- The age of the applicant.
- The nature of the route or alternative routes the applicant could reasonably be expected to take.
- Distance and journey time from the applicant's home to their place of education and the cost of providing travel assistance to there.
- What alternative means of facilitating attendance there may be.
- What alternative institutions or options there may be.
- The contents of any EHC Plan (including anything about transport).
- Any relevant legal duties upon the Council.
- If parents/carers/guardians choose for a child or young person to attend a college or further education institution outside of Brent when an establishment in the borough offers the same or a comparable course, the Council may refuse the application on these grounds.
- The best use of the Council's resources and the competing claims upon them.

Appendix 4 is a list of travel concessions and other sources of support for adults aged 19+.

## **6. PARENTS/CARERS/GUARDIANS WHO ARE DISABLED**

6.1 Requests for travel assistance will be considered if a parent/carer/guardian has difficulty using public transport, for example the parent/carer/guardian has a disability.

## **7. BEHAVIOUR AND CONDUCT**

7.1 When transport is provided by the Council, the Council will undertake a risk assessment as necessary, to ensure the safety of all passengers and the driver.



- 7.2 It is also understood that the nature of some special needs may require additional support or adjustment. However, it is expected that children and young people will behave appropriately whilst travelling.
- 7.3 Any instances of unsafe, inappropriate, or threatening behaviour will be considered as serious, as this may impact on other people in the vehicle.
- 7.4 In such instances, the Council will work collaboratively with the school and the transport provider to find ways to manage the behaviour. If there is no improvement, the Council will explore alternative travel assistance options, and this will be discussed with the parent/carer/guardian.
- 7.5 In such instances, parents/carers/guardians will be notified in writing, and this may result in a temporary withdrawal of the transport. In such cases, the parent/carer/guardian may be required to make their own arrangements to get their child to and from school until a solution is agreed.
- 7.6 Any further incidents of unsafe, inappropriate, or threatening behaviour may result in the permanent withdrawal of transport, in which case it will then be the responsibility of the parent/carer/guardian to make and fund their own arrangements to get their child to and from school.

## **8. RESIDENTIAL PLACEMENTS**

- 8.1 Parents, carers, and guardians are encouraged to take and collect their child to and from residential schools. This ensures that there is regular face-to-face communication with the school.
- 8.2 If the child is eligible for travel assistance, the Council will consider the appropriate travel options.

## **9. HOW TO APPLY FOR TRAVEL ASSISTANCE**

- 9.1 A formal application must be made to the Council's Travel Assistance Service for all travel assistance included in this policy, and parents/carers/guardians should apply for Travel Assistance for the next academic year in the months of May, June, and July. All applications must be made on the prescribed form 'SEN Travel Assistance Application Form.' The forms are at Appendix 1 and are also available on the internet at <https://www.brent.gov.uk/children-young-people-and-families/send-local-offer/send-travel-transport-and-getting-around#schooltransport>
- 9.2 For pre-schoolers and children, a parent, carer, or guardian should make the application. For young people with an EHC Plan attending a special needs school, a mainstream school or college, applications should also be submitted by a parent, carer, or guardian. For other young people and adults, the application should be made by the young person or adult, or by a person acting on their behalf.





- 9.3 Each application will be processed within 7 working days. Late applications could delay the award of transport which will require parents/carers/guardians to make their own arrangements while the application is being processed.
- 9.4 Consideration will be given to everything stated in the application form including all the evidence provided in support of the application. The Council will also consider all matters to which the Council is required by law to have regard, in order to determine whether to provide travel assistance and if so, what form that assistance should take.
- 9.5 If an application for travel assistance has been approved, the travel assistance options will be considered in the order outlined in section 4 of the policy. If the Council provides a travel assistance option that is appropriate to the needs of your child or young person and it is unreasonably refused without good reason, the application may not be progressed further and may be unsuccessful.
- 9.6 If the outcome is for transport, it will take up to 15 working days to be arranged. Please note that if transport is arranged, a risk assessment will be carried out and the Brent Transport Hub will determine the appropriate mode of transport which in most circumstances will be a shared bus.
- 9.7 Travel assistance may be arranged on a localised pickup point basis, if assessed as appropriate through the application process.

## 10. APPEALS AND COMPLAINTS

- 10.1 If an application for travel assistance is not approved by the Council, or the individual disagrees with the type of travel assistance offered, there is a right of appeal as set out below. During the appeal stages, travel assistance will not normally be provided and/or changes to existing travel assistance will not normally be made.
- 10.2 Appeals should be made within 20 working days of the decision being received by the parents, carers, or guardians and on the appropriate form which can be obtained by contacting the SEN Travel Team as follows:
- Email: [sen.transport@brent.gov.uk](mailto:sen.transport@brent.gov.uk)  
Website: <https://www.brent.gov.uk/children-young-people-and-families/send-local-offer/send-travel-transport-and-getting-around#schooltransport>
- 10.3 The appeal will need to set out the exact nature and grounds of the appeal. The appeal process has two stages:
- 10.4 **Stage 1** – A senior Council officer will consider the appeal within 5 working days of the receipt of the appeal form and the applicant will receive confirmation that the appeal is under review. Further evidence may be requested to support the appeal and consultation with caseworkers and professional bodies may be required. A decision and notification will be made within 20 working days from receipt of the appeals form. If the applicant remains



dissatisfied with the outcome, they should notify the Council in writing within 15 working days of receiving the appeal decision and the appeal will then be moved to stage 2.

10.5 **Stage 2** – Stage 2 is a review by a panel made up of senior managers and will be chaired by a manager independent of the original decision-making process. The panel will consider written and verbal representations from (or on behalf) of the applicant as well as information provided by the Council officer involved in the case and provide the applicant with written notification of its decision within five working days.

10.6 If the applicant remains dissatisfied, the applicant can raise a complaint to the Council using its complaints procedure.

**Further details as to Council complaints process:**

If, having been through the Council's complaints process the parents/carers/guardians or young person are still unhappy then they can complain to the Local Government Ombudsman. The ombudsman can be contacted at: <https://www.lgo.org.uk/>.

**Further avenues for appeal: Judicial review**

Parents/carers/guardians and young people have the right to seek a judicial review of a decision made by the appeal panel. A judicial review would ask the courts to consider whether the panel has acted lawfully in taking its decision (e.g., has it followed the correct process and/or considered all of the evidence properly) rather than whether the decision of the panel is the correct one. If a judicial review is upheld, then the independent appeals panel could be asked to consider the case again. If parents/carers/guardians and young people are considering judicial review, then the Council advises that they should seek independent legal advice immediately.

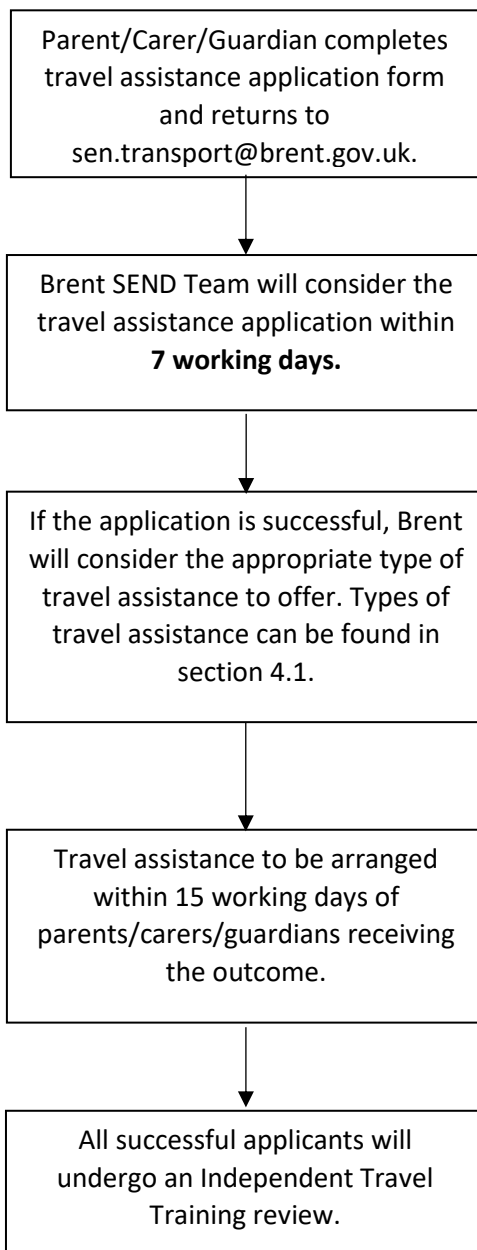
**Other complaints**

Queries or complaints relating to journey planning; the standard/condition of vehicles; drivers; passenger assistants and any other issues relating to the journey to and from school should initially be brought to the attention of the Transport hub via email [transporthub@harrow.gov.uk](mailto:transporthub@harrow.gov.uk). Alternatively, you can contact the Transport Hub via phone on 0208 424 1443.



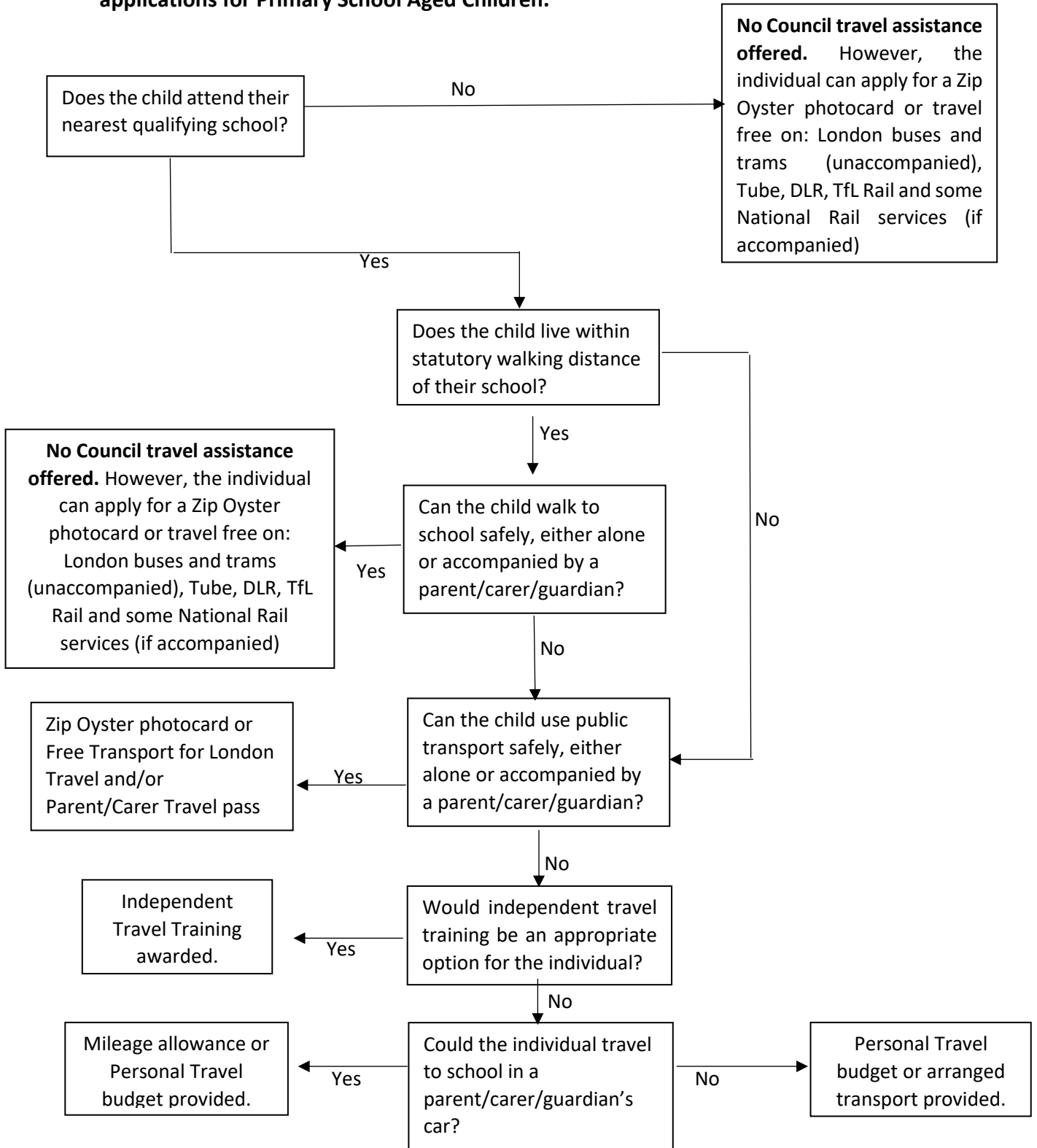
## 11. APPLICATION, DECISION MAKING AND REVIEW/APPEAL DIAGRAMS

### 11.1 Application process



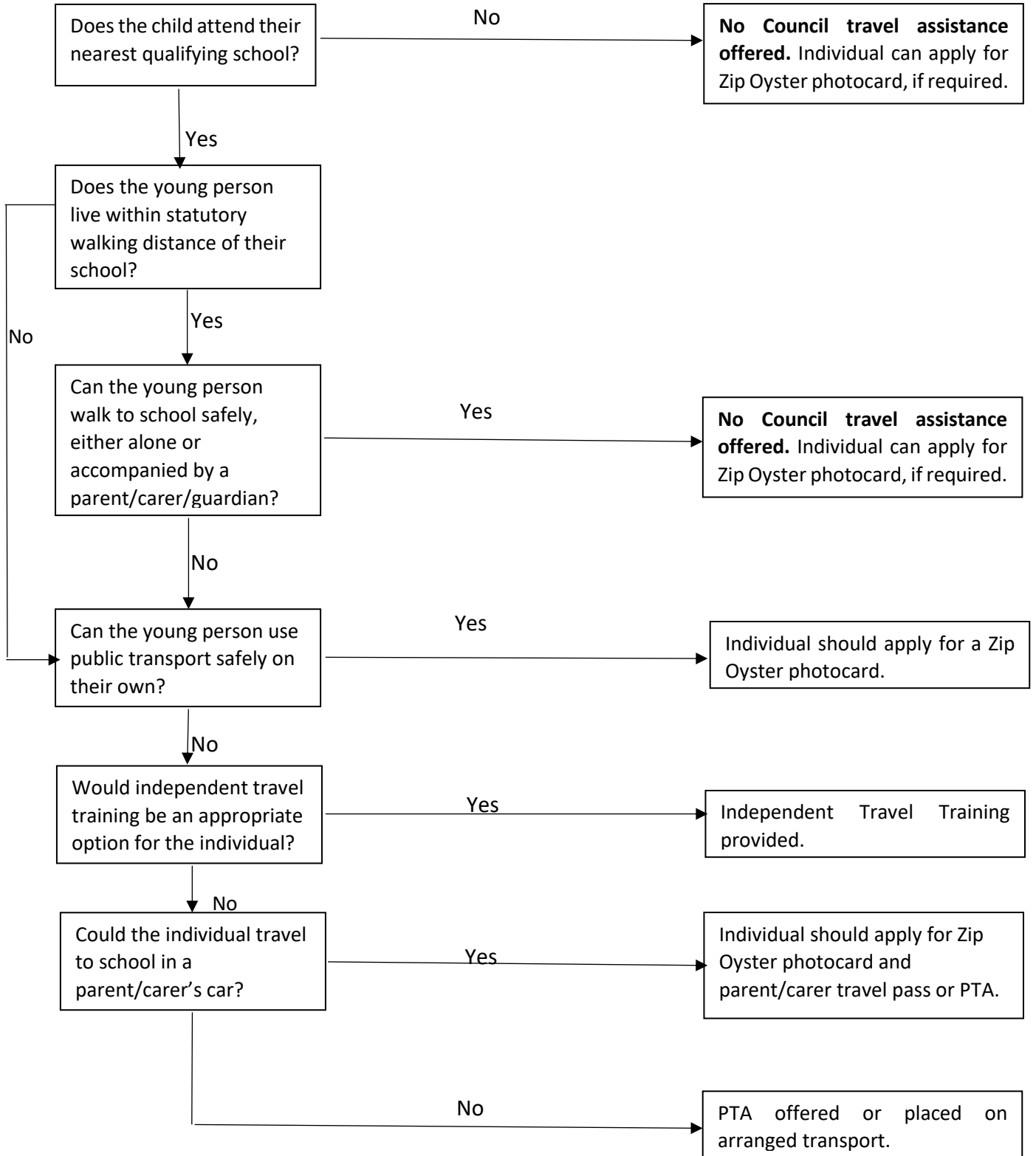


11.2 a.) The diagram below demonstrates the decision matrix for SEN Travel Assistance applications for Primary School Aged Children.

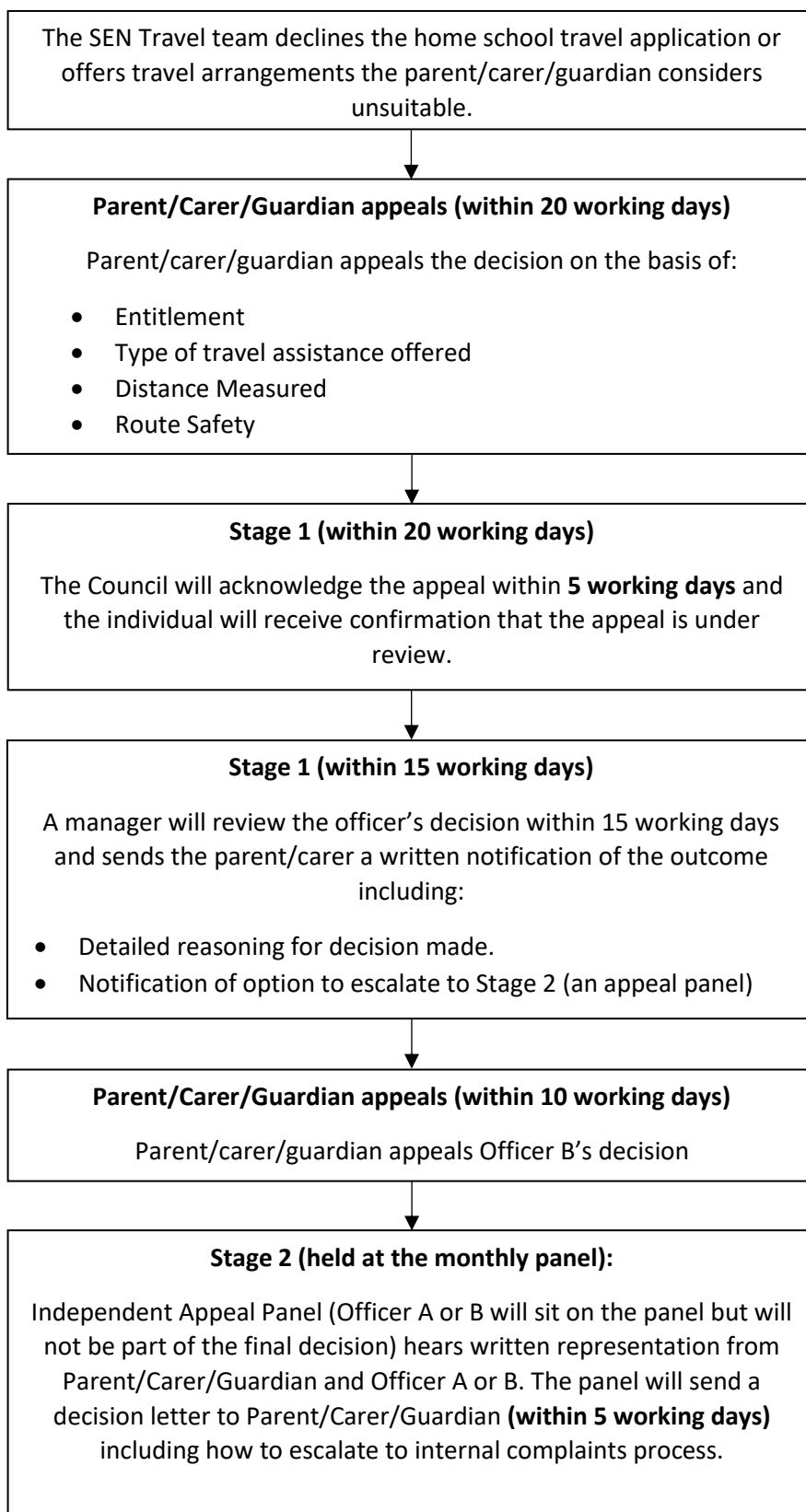




**b. Decision matrix for SEN Travel assistance applications for Secondary School children**



The diagram below outlines the review/appeal process.





## **Appendix 1: Parent/Carer/Guardian Responsibilities**

The efficient operation of the travel assistance policy required the Council and parent/carers/guardians to work in partnership.

It is the responsibility of all parents/carers/guardians to ensure that their children attend school, including those children with SEND.

The Council has a duty to provide travel assistance for children who meet the eligibility criteria to facilitate their attendance to school.

Parents/carers/guardians play a key role in ensuring the smooth running of a child's travel assistance, and are required to:

- Make a timely application for travel assistance with accurate information on the needs of the child.
- Provide home and work telephone numbers and an emergency contact number and address.
- Notify the Transport Manager of any changes to normal arrangements with as much notice as possible (e.g., in case of illness).
- Ensure that the child or young person is ready at least 10 minutes before pickup time (in order to ensure that other children are not disadvantaged, the vehicle cannot wait for longer than 5 minutes after the scheduled pick-up time).
- Ensure that they are available to receive your child after school at the designated collection point.
- Advise the driver/escort of any particular challenge or difficulties that their child is experiencing on a specific day.
- Help a child or young person make the transition from one form of travel assistance to another.

If a child is late on a regular basis for either the pick-up or drop-off, parents/carers/guardians will be contacted by an appropriate person from the Council in an attempt to work together to resolve the situation. If the lateness continues, the Council will decide on an appropriate course of action.

## **12. APPENDICES**

Appendix 1: Parent/Carer/Guardian Responsibilities

Appendix 2: Application forms for travel assistance

Appendix 3: Travel support available from schools and further education institutions for young people of sixth form age

Appendix 4: Travel concessions which may be available for young people of sixth form age

Appendix 5: Travel Concessions and Other Sources of Support for adults aged 19+